

REMARKS

In the Office Action¹, the Examiner rejected claims 1-9 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,807,285 to Iwamura ("*Iwamura*"). By this Amendment, Applicants amend claims 1-9.

Applicants respectfully traverse the rejection of claims 1-9 as allegedly anticipated by *Iwamura*.

Independent claim 1, for example, recites a content distribution system including a distribution server and a terminal device connected through a network, wherein said terminal device comprises a "judgment means for judging, based on the state of said storage definition flag, whether said decrypted content should be encrypted before being stored." *Iwamura* fails to teach or suggest at least the claimed judgment means.

Iwamura discloses an embedding apparatus 200 that embeds a digital watermark into data, and an extracting apparatus 300 that extracts the watermark from the data (*Iwamura*, col. 4, line 66 to col. 5, line 5). The extracting apparatus 300 includes a digital watermark extracting circuit 301 that can be used to determine if an alteration has been made to the data (*Iwamura*, col. 7, lines 31-47, col. 8, lines 16-36). According to the Examiner, *Iwamura*'s extracting circuit 301 corresponds to the claimed judgment means (Office Action at p. 3). However, the extracting circuit 301 does not judge

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

whether or not to encrypt the data before storing it. Moreover, *Iwamura* does not disclose a storage definition flag used for judging whether to encrypt data. *Iwamura*, therefore, fails to teach or suggest at least the claimed “judgment means for judging, based on the state of said storage definition flag, whether said decrypted content should be encrypted before being stored” as recited by independent claim 1.

Iwamura thus does not anticipate claim 1, and Applicants respectfully request the allowance of claim 1. Although of different scope than claim 1, *Iwamura* does not anticipate independent claims 4 and 7-9 for at least the same reasons as claim 1.

Claims 2 and 3 depend from claim 1, and claims 5 and 6 depend from claim 4. Because *Iwamura* does not support the rejection of independent claims 1 and 4 under 35 U.S.C. § 102(e), *Iwamura* also does not support the rejection of dependent claims 2, 3, 5, and 6.

The dependent claims recite additional features not taught by the cited references. For example, claim 2 recites the content distribution system according to claim 1, further comprising a “management server provided on said network for sending a notification or warning to said terminal device when content distributed from said terminal device is detected.” The Examiner alleges that *Iwamura*’s extracting apparatus 300 corresponds to the claimed management server (Office Action at p. 3). However, extracting apparatus 300 does not send a notification or warning to a terminal device, it merely displays a warning to a user of the extracting apparatus 300 if an alteration of the data is detected (*Iwamura*, col. 8, lines 16-27).

Moreover, the claimed management server sends the notification or warning to the terminal device when content distributed from the terminal device is detected. In *Iwamura*, the data is distributed by the embedding apparatus 200 to the extracting apparatus 300. *Iwamura*, however, fails to disclose a warning or notification that is sent to the embedding apparatus 200 that distributed the data. *Iwamura*, therefore, fails to teach or suggest at least the claimed "management server provided on said network for sending a notification or warning to said terminal device when content distributed from said terminal device is detected" as recited by dependent claim 2. Dependent claim 5, although of different scope than dependent claim 2, distinguishes *Iwamura* for at least the same reasons discussed with respect to claim 2.


Applicants respectfully request reconsideration of this application and the allowance of claims 1-9.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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